

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

TRUSTEES OF THE PLUMBERS AND PIPEFITTERS)	
NATIONAL PENSION FUND, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	1:18-cv-1473 (LMB/TCB)
v.)	
)	
HIRSCH & CO. LLC,)	
)	
Defendant.)	

ORDER

On May 3, 2019, a magistrate judge issued a Report and Recommendation (the “Report”) recommending that a default judgment be entered against Hirsch & Co. LLC (“defendant”) in a total amount of \$53,996.94, as follows: (i) \$49,252.71 in unpaid contributions, liquidated damages, and interest in favor of the Trustees of the Plumbers and Pipefitters National Pension Fund (the “National Pension Fund”); (ii) \$1,797.44 in unpaid contributions, liquidated damages, and interest in favor of the Trustees of the International Training Fund (the “International Training Fund”); and (iii) \$2,152.50 in attorneys’ fees and \$794.29 in costs in favor of both plaintiffs. The Report also recommended that defendant be required “to submit all payroll books and records” to plaintiffs and to cooperate with plaintiff’s designated certified public accounting firm to complete a payroll compliance review at defendant’s expense. The Report advised the parties that any objection to its findings or recommendations had to be filed within fourteen (14) days and that failure to file timely objections would waive appellate review of any judgment based on the Report. As of May 20, 2019, neither party has filed an objection.

The magistrate judge correctly found that this Court has subject matter jurisdiction over this civil action under 28 U.S.C. §§ 1132, 1145, and 185. Personal jurisdiction and venue are both proper because the relevant benefit plans are administered within this judicial district. The

magistrate judge also correctly concluded that service of process was appropriately effected under Rule 4(h) of the Federal Rules of Civil Procedure. Although defendant's manager, who is defendant's authorized representative, was served on February 1, 2019, defendant has not appeared, filed an answer or responsive pleading, or otherwise participated in these proceedings.

Having fully reviewed the Report, case file, and plaintiff's motion for default judgment, along with the supporting memorandum and attachments thereto, the Court adopts the findings of fact and conclusions of law contained in the Report as its own. Accordingly, plaintiff's Motion for Default Judgment [Dkt. No. 17] is GRANTED, and it is hereby

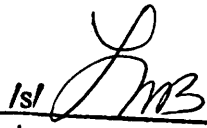
ORDERED that judgment be and is awarded against defendant in a total amount of \$53,996.94, as follows: (i) \$39,388.46 in unpaid contributions, \$4,901.44 in liquidated damages, and \$4,962.81 in accrued interest in favor of the National Pension Fund; (ii) \$1,308.10 in unpaid contributions, \$340.92 in liquidated damages, and \$148.42 in accrued interest in favor of the International Training Fund; and (iii) \$ 2,152.50 in attorneys' fees and \$794.29 in costs in favor of both plaintiffs; and it is further

ORDERED that defendant submit all payroll books and records to plaintiffs and cooperate with plaintiffs' designee, Salter & Company LLC, to complete a payroll compliance review at defendant's expense for the period running from January 1, 2015 through the date the audit can be conducted.

The Clerk is directed to enter judgment in favor of plaintiffs under Fed. R. Civ. P. 55 and to forward copies of this Order to counsel of record for plaintiffs and to defendant at its address of record.

Entered this 21st day of May, 2019.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge